

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLES WALDSCHMIDT,

Plaintiff,

vs.

UNION PACIFIC RAILROAD CO.,

Defendant.

8:22CV210

ORDER

This matter is before the Court on plaintiff's motion for interlocutory appeal. [Filing No. 67](#). Plaintiff agreed that if this Court granted a motion to transfer, the motion would be moot. Plaintiff specifically stated, "[i]f this Court declines to transfer this case to Nebraska, Waldschmidt's motion for an interlocutory appeal should be granted," [Filing No. 77 at 8](#), and "[i]f that motion is granted, then the instant motion to certify an interlocutory appeal can—and should—be denied as moot." [Filing No. 67 at 1–2](#). The Court did in fact effectuate transfer of this case from Colorado, in conjunction with *Grigg v. Union Pacific Railroad Co.*, 4:21-cv-03124, ECF Filing No. 1 (D. Neb.). [Filing No. 79](#). Accordingly, the motion to appeal is moot.

THEREFORE, IT IS ORDERED THAT plaintiff's motion to appeal, [Filing No. 67](#), is denied as moot.

Dated this 10th day of August, 2022.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge